

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
CYNTHIA R. ALLEN

Case No.: 15-11285  
Judge: ABA

Debtor(s)

**Chapter 13 Plan and Motions**

☐ Original

☒ Modified/Notice Required

Date: November 14, 2017

☐ Motions Included

☐ Modified/No Notice Required

**THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE**

**YOUR RIGHTS MAY BE AFFECTED**


You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: 

Initial Debtor: 

Initial Co-Debtor: \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 100.00 per month to the Chapter 13 Trustee, starting on December 15, 2017 for approximately remaining 9 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection ☒ NONE**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2,000.00
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**f. Secured Claims Unaffected by the Plan ☒ NONE**

The following secured claims are unaffected by the Plan:

Mortgage with Midland Mortgage on Debtor's residence has been paid through sale of the real estate. Loan with Toyota Motor Credit for Debtor's 2009 Toyota Corolla to be paid outside Plan.

<b>g. Secured Claims to be Paid in Full Through the Plan:</b> <input checked="" type="checkbox"/> NONE		
Creditor	Collateral	Total Amount to be Paid Through the Plan

<b>Part 5: Unsecured Claims</b> <input type="checkbox"/> NONE								
<p><b>a. Not separately classified</b> allowed non-priority unsecured claims shall be paid:</p> <p><input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i></p> <p><input type="checkbox"/> Not less than _____ percent</p> <p><input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds</p> <p><b>b. Separately classified unsecured</b> claims shall be treated as follows:</p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">Creditor</th> <th style="width: 30%;">Basis for Separate Classification</th> <th style="width: 20%;">Treatment</th> <th style="width: 20%;">Amount to be Paid</th> </tr> <tr> <td style="height: 100px;"></td> <td></td> <td></td> <td></td> </tr> </table>	Creditor	Basis for Separate Classification	Treatment	Amount to be Paid				
Creditor	Basis for Separate Classification	Treatment	Amount to be Paid					

<b>Part 6: Executory Contracts and Unexpired Leases</b> <input checked="" type="checkbox"/> NONE				
<p>(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)</p> <p>All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:</p>				
Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

**Part 7: Motions** ☒ **NONE**

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☐ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☐ Upon confirmation  
☒ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Administrative Expenses
- 3) Priority Claims
- 4) Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.



**Part 9: Modification** ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: July 22, 2015

Explain below **why** the plan is being modified:

Reflect that Mortgage with Midland Mortgage on Debtor's residence has been paid through sale of the real estate.

Explain below **how** the plan is being modified:

Part 1(a) - lower Debtor's monthly Trustee payment.  
Part 4(f) - reflect that Mortgage with Midland Mortgage on Debtor's residence has been paid through sale of the real estate.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: Nov. 14, 2017

[Signature]  
Attorney for the Debtor

Date: X 11-14-17

X Cynthia R. All  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

### Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: November 14, 2017

[Signature]  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: X 11-14-17

X Cynthia R. Allen  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

## Certificate of Notice Page 11 of 12

United States Bankruptcy Court  
District of New JerseyIn re:  
Cynthia R Allen  
DebtorCase No. 15-11285-ABA  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 29

Date Rcvd: Nov 15, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 17, 2017.

db +Cynthia R Allen, 6 Frosty Hollow Court, Sicklerville, NJ 08081-4885  
r +Dolores Wood, Century 21 Rauh & Johns, 508 Hurffville-Cross Keys Road, Suite 2, Sewell, NJ 08080-2703

cr +Sylvester Allen, 23 Sunflower Road, Apt-B, Maple Shade, NJ 08052-8443  
cr +Toyota Motor Credit Corporation, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883

515291317 +Atlanticare Urgent Care Physicians, PO Box 15736, Loves Park, IL 61132-5736  
515291318 +Betty Williams, 39 Essex Lane, Willingboro, NJ 08046-2242  
515291320 +C&R Collection, PO Box 35, Northfield, NJ 08225-0035  
515291322 +CITI, PO BOX 6241, SIOUX FALLS, SD 57117-6241  
515291321 +Camden County Board of SS, 600 Market Street, Camden, NJ 08102-1249  
515291323 +Citicards, 701 E. 60th Street North, Sioux Falls, SD 57104-0432  
515291319 +Law Offices of Schroll and Bowman, 603 Sheppard Road, Voorhees, NJ 08043-4691  
515291325 +MIDLAND MTG/MIDFIRST, 999 NW GRAND BLVD, OKLAHOMA CITY, OK 73118-6051  
515797001 +MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051  
515291324 +Midland Mortgage, PO Box 26648, Oklahoma City, OK 73126-0648  
515291327 +NJ Higher Education, PO Box 548, Trenton, NJ 08625-0548  
515637433 +NJCLASS, PO Box 548, Trenton, NJ 08625-0548  
515291328 +Northland Group, PO Box 390846, Minneapolis, MN 55439-0846  
515291331 +STATE OF NJ STUDENT AS, PO BOX 538, TRENTON, NJ 08625-0538  
515291329 +Schachter Portnoy, LLC, 3490 US Route 1, Princeton, NJ 08540-5920  
515291330 +Sherry Wray, Berkshire Hathaway, 198 Fries Mill Road, Ste 101, Turnersville, NJ 08012-2077

515291332 +Sylvester Allen, PO Box 503, Sicklerville, NJ 08081-0503  
515291333 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026  
(address filed with court: Toyota Motor Credit, 4 Gatehall Drive, Suite 350, Parsippany, NJ 07054)

515679968 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013  
515291335 +Victor Mellul, MD, 200 Kings Highway South, Cherry Hill, NJ 08034-2506  
515291336 +Wilton's Corner Proprietary Assn., Inc., 60 Meetinghouse Circle, Sicklerville, NJ 08081-4894

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 15 2017 23:09:39 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 15 2017 23:09:37 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

515612735 +E-mail/PDF: resurgentbknofications@resurgent.com Nov 15 2017 23:13:18 PYOD, LLC its successors and assigns as assignee, of Citibank, N.A., Resurgent Capital Services, PO Box 19008, Greenville, SC 29602-9008

515291326 E-mail/Text: ebn@nemours.org Nov 15 2017 23:09:34 Nemours, PO Box 277802, Atlant, GA 30384

TOTAL: 4

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
515291334 ##+Verizon, PO Box 11328, St Petersburg, FL 33733-1328

TOTALS: 0, \* 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 17, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 29

Date Rcvd: Nov 15, 2017

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### CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 15, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor MidFirst Bank dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Donna L. Wenzel on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Joshua I. Goldman on behalf of Creditor MidFirst Bank jgoldman@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Richard S. Hoffman, Jr. on behalf of Debtor Cynthia R Allen rshoffman@hoffmandimuzio.com,  
lmcevoy@hoffmandimuzio.com; jslachetka@hoffmandimuzio.com

TOTAL: 6